App. F. IX-4

Previous References. 1940. (Ch-) File No. 222-40

Serial Nos. 1-4

Later References.
Ch- 57-41 (5)
Ch- Dep 39/42

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. ~~four~~ only

Part B for June '41

SUBJECT.

Process Fees.

No. P 1579 Dated 25.6.41

To

The Registrar H.C.

Sanctions the Substitution of a new Table of process fees.

on 1.10.1941

C.G. Vijayaraghavan
7.7.1941

General and Revenue Secretariat

File No. 222 of 1940.

[App. F. III-2

Serial No. 1

From
The Registrar, High Court of Mysore
Roc No 210/39-40 dt 7.5.1941

Requests sanction to the substitution of a new table of fees for processes issued by the High Court and the Civil Courts subordinate to it.

It is stated that the table of fees as printed on page 117 of the Civil Rules of practice and circular orders Vol I (1936 Edition) process

is not logically or conveniently arranged and that it should be revised and simplified in several respects.

The reasons for revision have been set out in detail in paras 2 to 8 of the P.N.D.

A draft of a G.O. sanctioning the proposal of the High Court is put up for approval or other orders may be passed

CAR 27/5

La Secretary) 3 24/5

I Member) Hon 2 22/5/41

Hon 2 23/5/41

Hon 2 24/5/41

Hon 2 26/5/41

Hon 27/5/41

8280
22.5.41

OFFICE OF THE FIRST MEMBER OF COUNCIL
MAY 23 1941
No. 2249
NOTE—Contn. Sheet.

TYPING SECTION
28 MAY 1941
GEN

File No. of 194 | General and Revenue Secretariat

Serial No.

To

The Registrar Kilm Court
No P6169 Dy 3.6.41.

Sanctions the substitution of a new table of process fees

From

The Registrar Kilm Court
No Rec 210 Dy 11.6.41.

States that it is proposed to introduce the new table of process fees from 1.10.1941.

2999
19.6.41

A draft of a G.O. regarding is put up for approval or other orders may be passed

Govt 18/6

Law Secretary 3/19/6

8935
19/6

Minister Law. 19/6/41

Hm 2

12999
19.6.41.

Hm 19-6-41

Hm 2 20/6/41

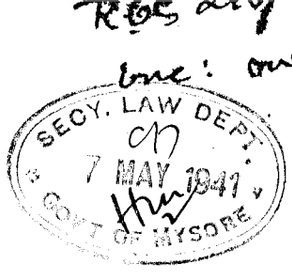
3 27/6/41

Issued No 6519 Dy 25.6.41

HIGH COURT
OF MYSORE,
BANGALORE.

Dated 5th May 1941.

cls 222-40-7 1.



From

T. Shamiengar, Esq., B.A., B.L.,
Registrar, High Court of Mysore,
BANGALORE.

To

H. V. Narayana Rao, Esq., B.A., LL.B.,
Secretary to the Government of Mysore,
Law Department, BANGALORE.

Sir,

In connection with a proposal to prescribe a reduced fee for the service of processes by post the High Court has taken the opportunity to consider the process fees now in force as printed at page 117 of the Civil Rules of Practice and Circular Orders, Vol. I. The table is not logically or conveniently arranged, and in the opinion of the Judges it should be revised and simplified in several particulars. I am directed therefore to request that the Government may be pleased to sanction under Section 29 of the Court Fees Act the new table of fees in the statement enclosed in substitution for the table of fees now in force.

2. It does not appear to the Judges necessary to maintain as at present two tables of fees for all kinds of processes, one if the process is to be served in the ordinary course and the other for urgent service. Some processes should always be treated as urgent: others are never urgent. When two rates of fees, one for ordinary service and the other for urgent service are necessary, it is more appropriate to specify them under the particular kind of process.

3. The table now in force makes no special

special provision for processes served by registered post. It is unreasonable that in addition to postage and registration charges the same fees should be charged for processes served by post as for processes served by the process staff. The new table proscribes approximately half-rates of fees for processes served by post.

4. The present table provides, when a party serves summonses on his own witnesses, for a reduction of fees only if more than one summons is taken for the same village or town. When service is to be by a party himself, it is of no consequence to the Court establishment whether all the witnesses live in one village or town or not. It is therefore proposed that approximately half-rates should be charged for each such summons but the first when more than one summons is applied for in one application, wherever the witnesses live.

5. At present there are two rates of fees for warrants of arrest, one for warrants to be executed in the ordinary course and one for warrants to be executed urgently. In the opinion of the Judges every warrant of arrest should be treated as an urgent process. In the past it has been the practice to issue warrants of arrest with other processes to the same process officer or to issue more than one warrant of arrest to an officer at the same time. That gives obvious opportunities for warning to the debtors concerned and other more serious malpractices. When two or more warrants of arrest issued at the instances of different decree-holders are entrusted at once to a process officer, there is opportunity for a competition in bribery in regard to the order in which the warrants are to be executed. Each warrant of arrest should be issued separately, unless it happens that two or more judgment-debtors are to be arrested in the same place under the same decree; and no process of any other kind should be entrusted at the same time to the process officer concerned. That can be arranged if warrants of arrest are

are treated as urgent processes and paid for at appropriate rates and the process staff is sufficiently numerous. It is probable that it was because the process staff was not numerous enough for a better system that warrants of arrest were issued for low fees and taken out with other processes, which has led to corruption and other abuses. The number of warrants of arrest issued has fallen lately and will no doubt fall still more when the amendments of Section 51 of the Code of Civil Procedure made by Act IX of 1938 are better appreciated. The High Court is also considering a new rule, by which save in exceptional circumstances notice will always go to a judgment-debtor before a warrant is issued for his arrest to give him opportunity of showing cause in accordance with Act IX of 1938 why he should not be arrested. If that rule is adopted, the number of warrants of arrest issued will be comparatively small. The Judges propose to issue instructions that, when a warrant of arrest is issued, it should be sent out separately and urgently; and they propose that there should be only one rate of fee for such a warrant, viz., Rs.2/-. Investigation shows that the fashion of applying for civil arrest warrants varies very much in different parts of the State and in different Courts. To entrust each warrant separately to a separate member of the process staff may ~~have~~ make it necessary to re-allot the staff available among the present Courts, which would not be difficult. But it appears probable that the combined effect of Act IX of 1938, the new rule about notice, if adopted, and the uniform fee of Rs.2/- for a warrant will be such a reduction in the number of warrants issued - and reduction is both the policy of the Government and the desire of the High Court - that with the present staff it will be possible to entrust

entrust each warrant to a separate officer. The High Court therefore proposes that for the present there shall be one rate of fee only for warrants of arrest viz. Rs.2/-.

6. It is desirable also, though this is a less important matter, that every warrant of attachment of property should be treated as urgent. But it is doubtful whether the present process staff is sufficient for that. The Judges therefore propose to maintain two rates of fees for warrants of attachment, ordinary and urgent, for the present. If the party who applies for a warrant of attachment is not prepared to pay for an urgent warrant, he is the only person likely to suffer by the warrant being executed too late. The Judges propose that the ordinary rate for an attachment warrant shall be Rs.1-4-0 as at present and the urgent rate Rs.2/-.

7. It is clear that, whenever an injunction should be issued at all, it should be issued urgently. The Judges therefore propose that the fee for an injunction should always be Rs.2/-.

8. It is not necessary to have two rates of fees for processes in connection with sales or delivery which are never urgent except through a party's neglect. The Judges therefore propose that there shall be only one rate of fee for processes of each of these kinds.

9. The other alterations proposed in the table of fees are merely of arrangement

10. I am directed to request that the new table of fees may be sanctioned at an early date in order

P/

order that it may be brought into force from the 1st of July next.

I have the honour to be,

Sir,

Your most obedient servant,

D. Acharya

For REGISTRAR (awaiting vacation)

N/

HIGH COURT OF MYSORE AT BANGALORE.

NOTIFICATION

R.Dis. No. BANGALORE, Dated 5th May 1941.

Under Section 29 of the Mysore Court Fees Act and all other powers hereunto enabling the High Court with the previous sanction of the Government directs that in modification of Rule 24 of the Process Rules issued under the Notification of the Chief Court dated 28th March 1911 as modified by later amendments and printed as paragraph 400 at pages 117 and 118 of Civil Rules of Practice and Circular Orders, Volume I, 1936, the following fees shall be charged for processes issued by the High Court and the Civil Courts subordinate to it, viz:-

	Rs. as. ps.
1. (i) For each summons or notice to be served by the agency of the Court on a defendant respondent or witness	
if the process is to be issued and served in the ordinary course	0- 10- 0
if it is to be issued and served urgently	0- 15- 0
Provided that, if one application is made for summonses or notices to more than one defendant, respondent or witness, all residing in the same village or town, the charge for each process but the first, when it is to be issued and served in the ordinary course, shall be	0- 5- 0
and when it is to be issued and served urgently	0- 7- 0
1.(ii) For each summons or notice to be served by registered post under Rule 25 of Order V or under Rule 22 of Order VII of the First Schedule of the Code of Civil Procedure or in accordance with the Rules made under the Mysore Insolvency Act on a defendant, respondent or witness in addition to the cost of registration and postage.	

		Rs.	as.	ps.
	if it is to be issued in the ordinary course.	0	5	0
	if it is to be issued urgently.	0	7	0
	provided that if ~~as~~ one application is made for summonses or notices to more than one defendant, respondent or witness, the charge in addition to the cost of registration and postage for each process but the first, when it is to be issued in the ordinary course, shall be	0	2	0
	and when it is to be issued urgently, ...	0	3	0
1.(iii)	For each summons to be served by a party himself on his own witness.			
	if it is to be issued in the ordinary course, ..	0	5	0
	if it is to be issued urgently, ...	0	7	0
	provided that, if one application is made for summonses to more than one witness, the charge for each summons but the first, when it is to be issued in the ordinary course, shall be, ...	0	2	0
	and, when it is to be issued urgently, ..	0	3	0
2.	for a warrant of arrest	2	0	0
3.	for a proclamation of sale ..	0	10	0
4.	for a warrant of attachment of moveable or immoveable property, if it is to be issued in the ordinary course.	1	4	0
	if it is to be issued urgently ..	2	0	0
5.	for a warrant of sale of immoveable property in cases ~~xxx~~ exceeding Rs.50/- in value.	1	4	0
6.	for a warrant of sale of immoveable property in cases not exceeding Rs.50/- in value	0	10	0
7.	for a warrant of sale of moveable property	0	10	0
8.	for a warrant of delivery of possession of immoveable property	1	4	0
9.	for a warrant of delivery of moveable property, if attached.	0	10	0
	if not attached	1	4	0

		Rs.	as.	ps.
10.	for an injunction	2	0	0
11	for an order or notice other than those mentioned above ...	0	10	0
	provided that, if one application is made for more than one such process of the same kind to be addressed to persons residing in the same village or town, the charge for each process but the first shall be	0	5	0

N.B.-- (1) The fee to be charged for a warrant of sale is in addition to the actual cost of advertisement and to the commission if any, payable in the case of sales conducted through special agency under the orders of the Court.

(2) No fee is to be charged for any process issued by a Court of its own motion.

S. Acharya

For REGISTRAR.

GRA/-

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

Section. C5

File No. 222-40

Serial No. 2

General and Revenue Secretariat

( )

the 193

Proceedings of the Government of His Highness the Maharaja of Mysore

Date of issue 3/6/41 193

Signed by ..... Sur. K.P.P. .....

Read—

Letter No Roc 210/39-40 Dt 7.5.1941 from the Registrar High Court of Mysore stating that the process fees now in force as printed at page 117 of the Civil Rules of Practice and Circular orders ~~Order thereon. No.~~ Vol I (1936 Edition) requires revision and tariff should be simplified in several particulars and requesting sanction to substitute a new table of fees as set out in the appended Statement in Marginal

May this be—

(i) printed ?

(ii) treated as a standing order ?

iii) published in the Gazette. English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

the table of fees now in force.

order P6169. 9. 3-6-41.

Sanctioned

2) The approved table of process fees is appended to this order.

Hm 2/2215-141

Secretary to Govt
Law Dept

To
The Registrar High Court.

List of Enclosure

Copied by

Examined by

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

Read :—

Letter No.R.O.C. 210/39-40 dated 7th May 1941 from the Registrar, High Court of Mysore, stating that the process fees now in force as printed at page 117 of the Civil Rules of Practice and Circular orders Vol. I (1936 Edition) requires revision and should be simplified in several particulars and requesting sanction to substitute a new table of fees as set out in the appended statement in place of the table of fees now in force.

Order No. P6169 Ch-222-40-2

Dated, Bangalore the 3rd June ~~May~~ 1941.

S A N C T I O N E D.

2. The approved table of process fees is appended to this order.

for Secretary to Government,
Law Department.

To

The Registrar, High Court of Mysore.

Aga/2.

STATEMENT.

The following fees shall be charged for processes issued by the High Court and the Civil Courts Subordinate to it, Viz:-

	Rs.	as.	p.
1 (i) For each summons or notice to be served by the agency of the Court on a defendant, respondent or witness			
if the process is to be issued and served in the ordinary course.....	0	10	0
if it is to be issued and served urgently	0	15	0
provided that if one application is made for summonses or notices to more than one defendant respondent or witness, all residing in the same village or town, the change for each process but the first, when it is to be issued and served in the ordinary course, shall be	0	5	0
and when it is to be issued and served urgently.....	0	7	0
1 (ii) For each summons or notice to be served by registered post under Rule 25 of Order V or Under Rule 22 of Order VII of the First Schedule of the Code of Civil Procedure or in accordance with the rules made under the Mysore Insolvency Act on a defendant, respondent or witness in addition to the cost of registration and postage. If it is to be issued in the ordinary course....	0	5	0
if it is to be issued urgently..	0	7	0
provided that if one application is made for summonses or notices to more than one defendant, respondent or witness, the charge in addition to the cost of registration and postage for each process but the first, when it is to be issued in the ordinary course, shall be...	0	2	0
and when it is to be issued urgently	0	3	0
1 (iii) For each summons to be served by a party himself on his own witness			
if it is to be issued in the ordinary course.	0	5	0
if it is to be issued urgently	0	7	0
provided that, if one application is made for summonses to more than one witness, the charge for each summons but the first, when it is to be issued in the ordinary course shall be	0	2	0
and when it is to be issued urgently	0	3	0
2 For a warrant of arrest.....	2	0	0
3. For a proclamation of sale	0	10	0
4. For a warrant of attachment of moveable or immoveable property, if it is to be issued in the ordinary course....	1	4	0
if it is to be issued urgently	2	0	0
5. for a warrant of sale of immoveable property in case exceeding Rs.50/- in value.....	1	4	0
6. For a warrant of sale of immoveable property in			

	in cases not exceeding Rs.50/- in value....	0	10	0
7.	For a warrant of sale of moveable property	0	10	0
8.	For a warrant of delivery of possession of immoveable property	1	4	0
9.	For a warrant of delivery of moveable property if attached.....	0	10	0
	if not attached..	1	4	0
10.	For an ~~injection~~ injunction	2	0	0
11.	for an order or notice otherm than those mentioned above.	0	10	0
	provided that, that if one application is made for more than one such process of the same kind to be addressed to persons residing in the same village or town, the charge for each process but the first shall be.....	0	5	0

N.B. :- (1) The fee to be charged for a warrant of sale is in addition to the actual cost of advertisement and to the commission, if any, payable in the case of sales conducted through special agency under the orders of the Court.

(2) No fee is to be charged for any process issued by a Court of its own motion.

K Gowder

For Secretary to Govt
Law Dept

R. O. C. No. 210 39-40,
~~D. Dis.~~

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore, 11th June 1941 ~~193~~

7155 gen. P

SECY. LAW DEPT. RECEIVED FROM 12 JUNE 1941 GOVT OF MYSORE

T. Shamiengar, Esq., B.A., B.L.,
~~A. Sundararaja Rao, Esq., B.A., B.L.,~~
~~S. Venkata Ranga Iyengar, Esq., B.A., LL.M.,~~
Registrar, High Court of Mysore.

To 12/6/41

H.V. Narayana Rao, Esq., B.A., LL.B.,
Secretary to the Government of Mysore,
Law Department, BANGALORE.

Cb 222-40-3

SIR,

74 B

I am directed to refer to Government Order No.P.6169/Ct 222-40-2, dated the 3rd June 1941, sanctioning the new table of process fees and to the last paragraph of the High Court letter No.R.O.C.210 of 39-40, dated the 5th/7th April (May 7) 1941, proposing the introduction of the new table of process fees from the 1st of July 1941 and to state that it appears now that there may be some inconvenience in introducing the new table of fees so early as 1st July 1941 and that it is proposed to introduce them on 1st October 1941.

I have the honour to be,
Sir,
Your most obedient servant,

T. Shamiengar
REGISTRAR.

GRA/-

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

193

Section. Cts

File No. 222-40

Serial No. 4

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 25.6.41 193

Signed by Sur. K.P.P.

Read—

G.O. No P 6169 /Cts 222-40-2 dt 3.6.1941 sanctioning the substitution of a new table of process fees in place of the one printed on page 117 of the Civil Rules of Practice Vol I. (1936 Edition)

~~Order thereon—No~~

(2) Letter No Roc 210/40-41 dt 11.6.1941 from the Registrar High Court of Mysore stating in the circumstances explained therein it is proposed to introduce the new table of fees

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

on 1st October 1941

order P6519 Dy 25.X.41.

Recorded:

Hm
19/6/41
Secretary & Cole
Law Dept

The Registrar Film Court

List of Enclosure

Copied by

Examined by

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read:—

Government Order No.P.6169/Cts. 222-40-2 dated 3rd June 1941 sanctioning the substitution of a new table of process fees in place of the one printed on page 117 of the Civil Rules of Practice, Vol. I (1936 Edition).

2) Letter No.R.O.C.210/40-41 dated 11th June 1941 from the Registrar, High Court of Mysore stating, in the circumstances explained, that it is proposed to introduce the new table of fees on 1st October 1941.

ORDER No.P. 6519 Cts 222-40-4

Dated, Bangalore, the 25th June 1941.

RECORDED.

Secretary to Government
Law Department

To--The Registrar, High Court of Mysore.

TN-3)